

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAN MCCALLUM,	:	Case No. 4:13-cv-00266
	:	
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	(Magistrate Judge Schwab)
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

August 26, 2014

The undersigned has given full and independent consideration to the May 29, 2014 report and recommendation of Magistrate Judge Susan E. Schwab (ECF No. 32) regarding Defendants' Motion to Dismiss Amended Complaint (ECF No. 25). Plaintiff filed a Motion to Vacate (ECF No. 33), which the Court construes as an objection to the report and recommendation, and the Defendant filed a reply.

The Court considered the Plaintiff's objections with the appropriate scrutiny. Because this Court agrees with Magistrate Judge Schwab's recommendation, the Court will not rehash the reasoning of the Magistrate Judge and will adopt the report and recommendation in its entirety.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Magistrate Judge Schwab's report and recommendation is ADOPTED (ECF No. 32).
2. Plaintiff's Motion to Vacate is DENIED (ECF No. 33).
3. Defendants' Motion to Dismiss Amended Complaint is GRANTED (ECF No. 25)
4. Plaintiff's Amended Complaint is DISMISSED (ECF Nos. 13, 14).
5. The Clerk is directed to close the case file.

BY THE COURT:

/s Matthew W. Brann  
Matthew W. Brann  
United States District Judge